

REMARKS

Reconsideration is respectfully requested. New claims 19-37 are added. Claims 1-37 are currently pending.

Support for new claims can be found throughout the specification. For example, the specification at pages 19-22 discloses a memory and a page (e.g., page 20, line 1), a first instantiated object on a first machine (e.g., page 20, lines 4-5), stored property information (e.g., page 20, line 5), persistence information on the second machine (e.g., page 20, lines 6-7), persistence information describing a property (e.g., page 20, lines 8-9), first machine receives the event and the persistence information from the second machine (e.g., page 20, lines 14-16), reinstantiated object on the first machine (e.g., page 20, lines 16-17), modification of a property (e.g., page 21, lines 22-23), state information (e.g., page 20, line 25).

Claims 1-2 and 5-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dale et al. (U.S. Patent No 6,272,673) in view of "Admitted Prior Art" (APA). Claims 3 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dale in view of APA, and further in view of Chang (US Patent No. 5,960,436). Claims 4 and 9-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dale in view of APA, and further in view of Barlow (U.S. Pat. No. 6,275,935) and Chang (U.S. Pat. No. 5,960,436). Applicants respectfully traverse each of these rejections for at least the reasons set forth in the amendment dated September 22, 2003 or Appeal Brief dated February 27, 2003.

Claim 1 recites "a first processor on said first machine for executing said code and instantiating an object on said first machine" and "an output for outputting said object with persistence information to said second machine." The Examiner rejects claim 1 over Dale (U.S.

patent 6,272,673) in view of APA and asserts that “Dale discloses ... a first processor (10, Fig. 2) on the first machine (server 24a, Fig. 3) for executing code and instantiating an object on the first machine (causes component 64 to be instantiated and executed on the application server 24a, line 21-22 column 12) ...” (See December 18, 2003 Office Action, page 2). Hence, the Examiner relies on Dale, “line 21-22 column 12” to purported teach/suggest “instantiating an object on the first machine” and further equates “server 24a, Fig. 3” with the “first machine”.

As Applicants have previously pointed out, Dale fails to teach or suggest claim 1. Although Dale discloses “causes component 64 to be instantiated and executed on the application server 24a”, Dale fails to teach or suggest an output for outputting “component 64” to a second machine. Rather, “component 64” is instantiated on application server 24a and remains on application server 24a (see e.g., Fig. 8B).

The Examiner further asserts that “Dale discloses ... outputting the object to the second machine (application server 24a provides the HTML page 62 to the client 20a, line 17-18 column 12)” (see office action, page 2). Applicants have previously pointed out that it is improper to equate the object with “the HTML page 62” when the object had already been equated with “component 64”. The Examiner equates one instance of “object” in claim 1 with “component 64” and the next instance of “object” in claim 1 with “HTML page 62”. Applicants previously pointed out that the claim recites “instantiating *an* object” and “outputting *said* object”. The use of the identifier “said” indicates that “said object” refers to the same object as recited previously. Therefore, the two instances of “object” must refer to the same object. As Applicants previously pointed out, the Examiner has improperly assigned different objects to each of the different instances of “object” in claim 1.

The Examiner responds to this deficiency by asserting that “the examiner cited more than just lines 20-23 column 12 from the Dale reference ... [t]he examiner used citations from column 12, column 13 and combination of Dale and APA reference to teach these limitations.” (See Office Action page 6, lines 6-9). Regarding column 13 of the Dale reference, the Examiner has asserted that Dale discloses deleting an object by citing column 13 of the Dale reference. However, the Examiner has not asserted that column 13 teaches or suggests “a first processor on said first machine for executing said code and instantiating an object on said first machine” and “an output for outputting said object with persistence information to said second machine.” In fact, Dale does not teach or suggest these features in column 13. Regarding APA, the examiner has asserted that APA supposedly discloses persistence information. The examiner has not asserted that APA teaches or suggests “a first processor on said first machine for executing said code and instantiating an object on said first machine” and “an output for outputting said object with persistence information to said second machine.” In fact, there is no disclosure of these features in APA. Indeed, neither Dale nor APA teach or suggest these features in combination.

Therefore, the Examiner has failed to support the contention that Dale teaches or suggests claim 1, notwithstanding columns 12 or 13 of the Dale reference or APA.

Applicants previously pointed out that Dale fails to teach or suggest outputting said object to said second machine. The Examiner asserts that Dale discloses “outputting the object to the second machine (application server 24a provides the HTML page 62 to the client 20a, line 17-18 column 12).” See Office Action, page 6, lines 11-13. As noted above, the Examiner has improperly equated “component 64” to one instance of “object” in claim 1 and “HTML page 62” to another instance of “object” in claim 1. However, claim 1 recites “an object” and “said object”. As is commonly accepted, “said” indicates that the object must be the same as the

previously recited object. The Examiner fails to address this deficiency in the rejection.

Therefore, the rejection should be withdrawn.

Applicants previously pointed out that Dale fails to teach or suggest “after said object is output from said first machine, said first processor deletes the instantiation of said object from said first machine.” The Examiner asserts that Dale discloses “deleting (explicitly destroyed, line 55 column 13) the instantiation of the object (the component becomes no longer instantiated, line 54-55 column 13).” See Office Action page 6, last paragraph – page 7, line 1). Applicants previously pointed out that Dale fails to teach or suggest “after said object is output from said first machine”, the first processor “deletes the instantiation of said object...” The Examiner’s present contention that Dale discloses “deleting ... the instantiation of the object” does not address this deficiency in Dale because the Examiner does not assert that Dale discloses “deleting the instantiation of the object” “after said object is output from said first machine”. In fact, Dale fails to teach or suggest an object being output from the first machine at all. Applicants pointed out previously that even if Dale discloses deleting an instantiation of an object, it is still insufficient to teach or suggest “after said object is output from said first machine.” The Examiner has failed to address this deficiency in Dale. Thus, the rejection should be withdrawn.

The Examiner applies the same arguments presented for claim 1 to claim 5 (see Office Action, page 7). However, the arguments presented in the Office Action for claim 1 do not support a rejection of claim 1. Therefore, the same arguments do not support a rejection of claim 5. The rejection should be withdrawn.

Claims 19-20 and 23-25 are allowable over the cited prior art. Claim 19 recites:

... a first processor on said first machine for executing said code and instantiating at least one of said objects from said memory onto said first machine to create a first instantiated object on said first machine, said first instantiated object containing stored property information; an output on said first machine for outputting said first instantiated object on said first machine from said first

machine with persistence information to said second machine so that the first instantiated object is instantiated with persistence information on said second machine, said persistence information describing a property of said first instantiated object; wherein, after said first instantiated object on said first machine is output from said first machine to said second machine, said first processor deletes the instantiation of said first instantiated object on said first machine from said first machine.

Neither Dale nor APA, either alone or in combination, teach or suggest claim 19. Dale merely discloses instantiating a component 64 on an application server 24a but fails to teach or suggest “outputting said first instantiated object on said first machine from said first machine with persistence information to said second machine”. Dale does not output component 64 from the application server 24a at all (see e.g., Figs. 3, 8 or col. 12 of the Dale reference). APA likewise does not teach or suggest outputting the first instantiated object on the first machine from the first machine to the second machine.

Moreover, neither Dale nor APA teach or suggest “after said first instantiated object on said first machine is output from said first machine to said second machine, said first processor deletes the instantiation of said first instantiated object on said first machine from said first machine.” Dale merely discloses the option of deleting an object. However, because neither Dale nor APA teach or suggest outputting the first instantiated object on the first machine from the first machine to the second machine, Dale and/or APA cannot therefore teach or suggest deleting the instantiation of the object from the first machine after the object is output from the first machine. Claim 19 does not merely recite deleting an object but rather recites “after said first instantiated object on said first machine is output from said first machine to said second machine, said first processor deletes the instantiation of said first instantiated object on said first machine from said first machine.

There is no motivation to combine Dale with APA. The Office Action asserts that the motivation to one of ordinary skill in the art is “maintaining session and application state

information”. However, this proposed motivation is absent from and irrelevant to the Dale reference. One of ordinary skill in the art, given the Dale reference, would have been provided with a system wherein a “first machine” instantiates an “object” on itself. There is no teaching or suggestion of “maintaining session and application state information” in Dale. Nor is there any indication that “maintaining session and application state information” is either necessary or desirable in any way in the Dale disclosure. Therefore, one of ordinary skill in the art would not be motivated to look further into APA to incorporate “persistence information”. In fact, “persistence information” is not pertinent to the Dale disclosure.

Therefore, it is respectfully submitted that claim 19 is allowable.

Claim 20 depends from claim 19 and is allowable for at least the reasons set forth above for claim 19.

Claims 23 and 24 are similar to claim 19 and are allowable for at least the reasons set forth above for claim 19.

Claim 25 depends from claim 24 and is allowable for at least the reasons set forth for claim 24.

Claims 21 and 26 are allowable over the cited prior art.

Claims 21 and 26 depend from claims 19 and 24, respectively. As set forth above, Dale and APA, either alone or in combination, fail to teach or suggest claims 19 or 24. Chang does not make up for the deficiencies of Dale and/or APA.

Chang fails to teach or suggest claim 19. Claim 21 depends from claim 19 and is therefore allowable for at least the reasons set forth above for claim 19. Claim 26 depends from claim 24 and 25 and is allowable at least for the reasons set forth above for claims 19, 24 and 25.

Claims 22 and 27-36 are allowable over the cited prior art.

Claim 22 is similar to claim 19. As set forth above, Dale, APA, and/or Chang fail to teach or suggest claim 19. Dale, APA and/or Chang, either alone or in combination also fail to teach or suggest claim 22 for at least the reasons set forth above for claim 19. Barlow does not make up for the deficits of Dale, APA and/or Chang.

Dale, APA, Barlow and/or Chang, either alone or in combination fail to teach or suggest claim 22 or claim 27 for at least the reasons set forth in Applicants' prior amendment dated September 22, 2003, pages 25-27.

The Office Action acknowledges that Dale fails to teach or suggest an event handler or outputting the modified object but relies on Barlow for these teachings. As set forth in Applicants' prior amendment dated September 22, 2003, there is no motivation to one of ordinary skill in the art to combine Dale, APA, Barlow and Chang. According to the accepted legal standard, even if references can be combined, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The Office Action has made no showing that the prior art cited suggest the desirability of the proposed combination. Indeed, the Office Action even fails to demonstrate that any of the cited prior art relates to any other cited prior art in any meaningful way at all.

The Office Action further relies on Chang to provide a teaching of "outputting the modified object". See Office Action dated December 18, 2003 at page 5. As set forth in Applicants' prior response dated September 22, 2003, Chang fails to teach "outputting the modified object". See Amendment dated September 22, 2003 at page 27, for example. Briefly, Chang discloses logging transactions and replaying the transactions at a server but fails to teach or suggest "outputting the modified object" (see Amendment dated September 22, 2003 at page

23-25 and 27 for discussion of Chang). The Office Action dated December 18, 2003 merely asserts that "Chang discloses outputting the modified object" but continues to fail to provide support for this contention in the Chang reference. Therefore, it is respectfully submitted that claims 22 and 27-36 are allowable.

Claim 27 is similar to claim 22 and is allowable for at least the reasons set forth above for claim 22.

Claim 28 is similar to claim 21 and is allowable for at least the reasons set forth above for claim 21.

Claims 29 and 30 depend from claim 28 and are allowable for at least the reasons set forth above for claim 28.

Claim 31 is similar to claim 22 and is allowable for at least the reasons set forth above for claim 22.

Claim 32 is similar to claim 23 and is allowable for at least the reasons set forth above for claim 23.

Claim 33, is similar to claim 24 and is allowable for at least the reasons set forth above for claim 24.

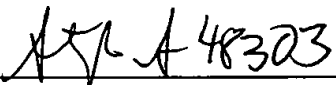
Claims 34 and 35 depend from claim 33 and are allowable for at least the reasons set forth for claim 33.

Claim 36 is similar to claim 27 and is allowable for at least the reasons set forth above for claim 27.

Claim 37 depends from claim 21 and is allowable for at least the reasons set forth above for claim 21.

Applicants respectfully submit that the instant application is in condition for allowance. If the Examiner feels, however, that further amendment and/or discussion may be helpful in facilitating prosecution of the case, the Examiner is respectfully requested to telephone the undersigned attorney of record at the number appearing below.

Respectfully submitted,



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Date: April 15, 2004